

REMARKS

Applicant would like to thank the Examiner for the Office Action of July 9, 2008. Applicant has reviewed the references cited in the Office Action and has amended the claims to more precisely recite the present invention. Please note that claims 1 and 25 have also been amended to address the §112 objections as well.

The two remaining independent claims after the cancellation of claim 35 are claims 1 and 25. Claim 1 stands rejected under 35 U.S.C. §103(a) over Nelson, Jr. in light of Crowley and Lu et al. Claim 25 stands rejected under 35 U.S.C. §103(a) over Nelson, Jr. in view of Lu et al.

Claim 1 now recites:

1. A diagnostics system comprising:

a flexible patch having an adhesive portion adapted to stick to the skin of a human subject;

a radio frequency identification tag (RFID);

a sensor module integrated with said patch, said flexible patch further having an antenna, an RFID chip, and at least one sensor associated with a unique identification code, said RFID and sensor module responding to a biological stimulus by wirelessly transmitting through the use of said antenna signals that correspond to said biological stimulus;

a multi-protocol wireless reader for communication with said RFID tag and sensor module, said RFID reader being adapted to communicate information over a wireless network through the use of multiple communication protocols; and

a remote database associated with said network, said database containing information associated with said ID for reading and interpreting said sensor.

Claim 25 now recites:

25. A human diagnostics system comprising:

a patch having an RFID tag and sensor module, and adapted to be attached to the surface of the skin and adapted to sense at least one predetermined biological condition through the skin and transmit signals corresponding to said at least one predetermined biological condition;

a RFID reader communicative with said patch through the use of a network to analyze, receive, and transmit the signals corresponding to said at least one predetermined biological condition from said patch through the use of multiple communication protocols;

a remote storage and data unit communicative with said RFID reader over said network, said remote storage and data unit analyzing and storing biological data from said patch and said RFID tag, said remote storage and data unit transmitting said analyzed and stored data to said RFID reader through the use of said network; and

said remote storage and data unit further having a remote database containing information adapted to be downloaded to said RFID reader for reading and interpreting said sensor.

The claims have been amended to more clearly distinguish any possible obviousness rejection over the combination of Nelson and Crowley. Claims 1 and 25 now specifically recite that the "stimulus" and "signals" correspond to a biological condition picked up by the sensor module. The Examiner has admitted that Nelson does not disclose a sensor module; even under the standards set forth in KSR, it is implausible to suggest one would combine Crowley with Nelson.

Moreover, none of the references, alone or in combination, disclose or make obvious the present invention's use of a remote database that includes information for reading and interpreting sensors for reading virtually any communications protocol:

Additionally, the RFID reader is adapted to read and analyze virtually any RFID tag and sensor module. As such, the RFID reader is adapted to retrieve the electronic identification of a tag and sensor module and download software that enables reading and analyses of the tag and sensor from a database. (Paragraph [0009])

The specification states further at paragraph [0076]:

Since each RFID tag 10 contains its own electronic identification number 64, wireless device 2 can immediately recognize the type of sensor involved and perform the correct analysis. This is because a given modified cell phone can download the necessary software, data tables, etc. from a remote location via a wireless link and can instantly become a "smart" device for any given type of RFID sensor.

Finally, in paragraph [0093] of the specification:

Using a low cost wireless device such as a cell phone 2 with RFID multi-protocol reader capability, complex drug interaction tests can be performed on-the-spot at a very low cost. This is possible by wireless access to cell phone towers 380, access to Internet 390 and to a remote storage/ data processing unit 400. In one embodiment remote storage/data processing unit 400 is embodied as a computer or electronic database. Accordingly through the use of computer 400 (hereinafter remote store/ data processing unit 400 shall be referred to as computer 400), a patient can either download data to computer 400 or upload into the cell phone the necessary information to conduct any given test by matching the ID of the RFID sensor with given software and data tables stored remotely on computer 400 via link 392.

Neither Nelson, Crowley or Lu disclose a remote database accessible to download information to the reader for reading and interpreting the sensor.

At most, Nelson discloses "that is, the database would include a plurality of records containing data representative of a plurality of identification codes and data representative of the code recipient information correspondingly associated with the plurality of identification codes." (Col. 9, lns. 2-6).

This is far removed from the present invention's remote access to information useful for reading and interpreting the sensor of the present invention.

Reconsideration and allowance are respectfully requested.

Respectfully Submitted,

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